

Chapter CCLXXIV.¹

THE CONGRESSIONAL RECORD.

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3459. Official stenographers to the standing committees of the House shall not furnish transcripts of testimony adduced before such committees without written authorization from the chairman of the committee.

The Speaker exercises jurisdiction over the Official Reporters of the House and the committee stenographers and their assistants and substitutes.

On June 30, 1926,² the Speaker,³ addressing the House by consent, said:

The attention of the Chair has recently been drawn to a practice which, it seems, is of at least doubtful propriety, if not quite reprehensible. The practice to which the Chair refers, and apparently there has been no ruling against it, concerns the sale by committee stenographers and their assistants or substitutes of transcripts of their notes, taken before committees of the House, to interested parties before the transcripts have been submitted to the witnesses or to members of the committee for revision, and certainly without asking permission of the chairmen of the different committees.

A special case was called to the attention of the Chair a few days ago, where a committee, having held public hearings and heard certain testimony, decided that it was unwise to print the testimony for various reasons of public policy. In the meantime, however, it developed that a committee substitute stenographer had sold the transcript of his notes to an interested party. It occurs to the Chair that that is an extremely reprehensible practice. In the first place, the Chair is unable to see what right of property the committee stenographer has in these notes, and an even more serious situation presents itself in such an occasion as that to which the Chair has referred, where the committee thought it inadvisable to make public the testimony taken at the hearing. Certainly the committee should have the right to say that testimony should not be made public, and if a committee stenographer or a substitute may, immediately after transcribing his notes, sell a transcript of them to interested parties, then the functions and powers of the committee, in so far as publicity is concerned, are nil.

¹ Supplementary to Chapter CXLIV.

² First session, Sixty-ninth Congress, Record, p. 12395.

³ Nicholas Longworth, of Ohio, Speaker.

The Chair understands that the Speaker has entire jurisdiction with regard to both the Official Reporters of the House and the committee stenographers and their assistants or substitutes. As there is no rule, so far as the Chair can ascertain, that would apply to this situation, he will make the ruling here and now that no committee stenographer or assistant committee stenographer or any substitute may, either for or without consideration, dispose of a transcript of his notes to anyone without first receiving from the chairman of the committee permission in writing, specifying the person or persons to whom such transcript is to be delivered; and if any case is called to the attention of the Chair in the future where anyone has violated that rule, his sphere of usefulness in the south end of the Capitol will be at once ended.

3460. A Member may not demand the reading of the reporter's notes.

On February 6, 1918,¹ the Committee of the Whole House on the state of the Union was considering the bill (H. R. 5667) providing for the deportation of certain aliens.

Mr. William B. Bankhead, of Alabama, offered this amendment:

Strike out the words "or with any of the other central powers of Europe" and insert in lieu thereof "Austria-Hungary, Bulgaria, or Turkey."

After brief debate the amendment was agreed to.

Shortly thereafter, Mr. Martin B. Madden, of Illinois, whose attention had been temporarily distracted, submitted that the amendment had not been voted on.

Being assured that the vote had been taken and that it had been decided in the affirmative, Mr. Madden asked that the reporter's notes be read to sustain his contention.

The Chairman² declined to entertain the request and held that a demand for the reading of the reporter's record of the proceedings was out of order.

3461. A Member may, with the approval of the Speaker, revise his remarks before publication in the Record; but may not change the notes of his speech in such a way as to affect the remarks of others without securing their consent.

In revising remarks for the Record a Member may insert the words "laughter", "applause", etc., when they reflect actual proceedings on the floor, although the practice is deprecated.

Revisions of remarks which do not materially alter the purport of the Member's statements or affect colloquies with others are admissible, but alterations or omissions productive of statements substantially different from those submitted by the Official Reporters of the House are not in order.

A question of privilege takes precedence of a motion to resolve into the Committee of the Whole.

Instance wherein a question involving the right to revise remarks for the Record was submitted to a special committee.

On January 27, 1917,³ Mr. Swagar Sherley, of Kentucky, moved that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the fortifications appropriation bill.

¹ Second session Sixty-fifth Congress, Record, p. 1788.

² Joseph J. Russell, of Missouri, Chairman.

³ Second session Sixty-fourth Congress, Record, p. 2124.

Pending that motion, Mr. J. Willard Ragsdale, of South Carolina, claimed the floor for a question of privilege and offered the following resolution:

Whereas the report of the colloquy between Messrs. Norton of North Dakota, Fess of Ohio, Heflin of Alabama, and Ragsdale of South Carolina as printed in the Record of January 25, 1917, differs from the official reports of the colloquy, as will be shown by reference to the typewritten reports now on file and the printed report of the record of January 25, 1917:

Resolved, That the Record of January 25, 1917, be amended by printing the colloquies between Messrs. Norton of North Dakota, Fess of Ohio, Heflin of Alabama, and Ragsdale of South Carolina as reported by the Official Reporters of the House.

Mr. Sherley made the point of order that the resolution was not privileged. The Speaker¹ decided:

The Chair thinks it is a privileged resolution, as it goes to the good order of the House. The Chair investigated that matter yesterday.

After debate Mr. Claude Kitchin, of North Carolina, moved to refer the resolution to a special committee of three to be appointed by the Speaker.

On an aye and no vote the motion was agreed to, yeas 147, nays 137, and the Speaker appointed as members of the committee so authorized, Mr. Lincoln Dixon, of Indiana, Mr. Alfred G. Allen, of Ohio, and Mr. Frank Wheeler Mondell, of Wyoming.

On March 3, 1917,² Mr. Dixon presented the report of the special committee as a matter of privilege and asked for its immediate consideration.

By direction of the Speaker the Clerk read the report in full.

The question submitted to the special committee is thus set forth in the report:

This resolution involves the question of the right of a Member of the House to demand that the words of another Member spoken in debate or discussion on the floor of the House be entered in the Record as reported by the Official Reporters of the House; but, by reason of the circumstances of the particular case in question, the issue is narrowed to that of the right of a Member to demand the printing in the Record words spoken in colloquial debate as reported by the Official Reporters of the House, including the interlineations made by the Official Reporters indicating laughter and applause during the course of the discussion.

The question at issue is divisible to two parts: First, the question of the right of a Member to demand that words shall be printed in the Record as reported by the official Reporters, together with the official interlineations indicating laughter and applause where there is no controversy as to the substantial accuracy of the report; and, second, the right of a Member to demand that the words spoken in debate and the interlineations relative to laughter and applause as reported by the Official Reporters of the House shall be printed in the Record even though the substantial accuracy of the report as presented may be questioned.

The unwritten law governing the revision of remarks for the Record is outlined by the committee as follows:

The practice of editing and revising remarks, either with or without specific authority from the House in the particular case, is long established and quite generally—oftentimes quite freely—indulged in. When the revision involves no substantial modification of a statement, but simply improves or amplifies the form of statement or argument, your committee is of the opinion that such revision has the sanction of long and quite general practice.

¹ Champ Clark, of Missouri, Speaker.

² Record, p. 4927.

The more specific issue presented for the consideration of the special committee is submitted in this language:

In the case in question, however, the debate became colloquial and personal, and the question is as to the right of the Member or Members who participated in such a debate to insist that when a portion of the debate has been printed in the Record as reported by the Official Reporters of the House, without substantial modification, erasure, or addition, the remainder of the debate shall also be printed substantially as reported.

The report then proceeds to apply the rule to the case in point:

After a careful reading of the official notes of the debate and the debate as printed in the Record, your committee finds that the remarks made by the gentleman from South Carolina, as printed in the daily Record January 25, 1917, pages 2271, 2272, 2276, and 2277, are substantially as reported by the Official Reporters of the House, and the interruptions and interlineations denoting laughter and applause are printed exactly as shown by the reporters' notes of his remarks.

We find that the remarks made by the gentleman from Alabama in reply to the gentleman from South Carolina, as printed in the Record of the aforesaid date, on page 2276, are substantially correct as to the words uttered and the statements made as reported by the Official Reporters of the House, the changes being such as are reasonably allowable in a revision.

Particular attention is given in the report to the charge that the words "laughter" and "applause" were inserted after the reporter's notes were submitted for revision. The committee find:

We do find, however, that in connection with the remarks of the gentleman from Alabama, printed on page 2276, the words "laughter," the words "applause and laughter," the word "applause," and the words "applause on the Democratic side" appear in the printed Record where no such words are found in the official report of the reporters of the House. Relative to these words, however, it is claimed that while they did not appear in the official reports their insertion in the Record was justified by what actually occurred. Your committee is of the opinion, from statements of Mr. Heflin and other Members of the House, that some laughter and applause did greet the speech of the gentleman from Alabama, as indicated in the printed Record.

On this question the committee conclude:

As to the interlineations in this part of the remarks of the gentleman from Alabama indicating "laughter," "laughter and applause," "applause," and "applause on the Democratic side," your committee is inclined to the opinion, from the statements of the gentleman from Alabama and other Members of the House who were present when the remarks were made, that there was some laughter and applause, as indicated in the Record, which the Official Reporters failed to note, and that, therefore, the insertion of these words in the Record was possibly justifiable under the practice of the House, though your committee respectfully suggests that the insertion of the words "applause" and "laughter and applause" is a practice that should be discontinued.

As to the matter of omission of words spoken in debate, however, the committee find:

The closing remarks of the gentleman from Alabama as printed at the top of the second column of page 2277 differ substantially both as to the language used and as to the character of the interlineations relative to interruption, laughter, and applause. The remarks of the gentleman from Alabama as printed in the Record are not only substantially different from those reported by the Official Reporters, but a considerable portion of the remarks of the gentleman from Alabama, as reported by the Official Reporters, does not appear in the printed Record, and the interruption by the gentleman from Oregon is omitted from the printed Record, and the interlineations relative to laughter and applause differ.

The committee therefore decide:

In view of the facts thus stated, your committee begs to recommend and does recommend that, so far as the remarks of the gentleman from Alabama first referred to and printed on page 2276 of the Record are concerned, they should be held and considered as having been inserted in the Record without substantial modification or such change of statement as may properly give offense or justify a demand for the printing of the words spoken as reported by the Official Reporters, although it is admitted that the words as reported were substantially as uttered.

However, the committee further conclude:

As to the portion of the remarks of the gentleman from Alabama printed in the Record on page 2277, at the top of the second column, your committee is of the opinion that the remarks as printed in the Record admittedly differ so substantially from the words spoken as reported by the Official Reporters of the House that it presents a case in which it is the privilege of any Member of the House, feeling that the dignity of the House or of any Member of the House is affected, to demand the printing in the Record of the language as reported by the House Reporters, the same being admittedly a substantially correct report of what was said. There may be some ground for difference of opinion as to correctness of the interlineations—at least some of them—but in the main the context and the words of the gentleman from Alabama himself in the debate clearly indicate that the interlineations relative to laughter and applause were substantially correctly reported by the reporters. Furthermore, the omission of the colloquy with the gentleman from Oregon is contrary to the established practice of the House.

In conclusion the committee unanimously recommend:

We therefore recommend that in lieu of the remarks of the gentleman from Alabama as printed at the top of the second column on page 2277 of the daily Record of January 25, 1917, there be inserted in the permanent Record the remarks of the gentleman from Alabama as reported by the Official Reporters of the House, a copy of which is herewith transmitted.

The reading of the report having been completed, Mr. Dixon moved the adoption of the report, including this resolution:

Resolved, That the Record of January 25, 1917, be amended by printing the colloquies between Messrs. Norton of North Dakota, Fess of Ohio, Heflin of Alabama, and Ragsdale of South Carolina as reported by the Official Reporters of the House.

The report was adopted and the resolution was agreed to without debate.

3462. While a Member may revise the reporter's notes of his remarks with the approval of the Speaker, he may not extend his remarks in the Record without the express consent of the House.

A Member may not in the revision of his remarks alter language affecting the context or colloquies with other Members without their approval.

Permission to extend remarks applies to the Member's remarks only and the incorporation of other matter requires specific permission from the House.

On March 1, 1928,¹ Mr. Finis J. Garrett, of Tennessee, rising to a parliamentary inquiry, called attention to recent instances in which questions had arisen as to the extent to which a Member might revise language in colloquies between Members, and asked the Chair to make a concrete statement on the subject.

¹ First session Seventieth Congress, Record, p. 3863.

The Speaker ¹ replied that he had lately had occasion to examine the precedents on the subject and said:

The Chair thinks that the inquiry of the gentleman from Tennessee is timely and pertinent. A few days ago the question arose, but the Chair was not called upon to decide it because unanimous consent was asked and given. The Chair at the time took occasion to look up the precedents and has one or two before him.

The Chair is not advised of any rule of the House that covers the situation directly. The general theory as to the revision and extension of remarks can be put in this language: Although a Member has the right to revise his remarks with the approval of the Speaker, he has not the right to extend those remarks except in the case where the House has expressly given permission to do so.

That has been held by several speakers, among them Speaker Kiefer and Speaker Randall. Therefore in order to extend remarks the Chair thinks that permission must be given by the House; but on the question of revision of remarks a Member may do so without permission of the House, but must have consent of the Speaker.

On a further development of the question, where remarks are made in colloquy during the running debate, what is the proper rule with reference thereto? The present occupant of the chair, on May 17, 1926, ruled as follows in response to a parliamentary inquiry:

"Generally speaking, the Chair understands the rule to be that a Member in the course of debate may not alter any language that he used which affects the context or affects the remarks of the gentleman who interrupts him."

There are quite a number of decisions upon which that decision was based, all primarily laying down the proposition that a Member may not revise his remarks in such a way as to affect the remarks of another.

The Chair thinks that the mere change of a word or two could be made in the remarks during colloquy, but that change must not be such as would affect the position of either gentleman engaged in the debate, or the purport of the debate. Mr. Speaker Reed on December 13, 1897, said:

"It has always seemed to the Chair that when the Record was to be corrected, and where there was a controversy upon a particular point, either the correction should be made with the consent of the other Member or Members participating or should not be made at all."

Mr. Speaker Randall on one occasion said:

"I think it wise that permission in such cases should be under the control of the Chair."

On the whole, the Chair thinks that under the precedents the proper procedure should always be that no correction be made in the remarks made during a colloquy between Members which would in any way affect the position of either Member, without the approval of the other.

The Chair holds that where remarks are made during a colloquy or debate, no change is permissible in the remarks either of the gentleman himself or the gentleman with whom he was engaged in debate without the full consent and approval of the other gentleman.

The Chair thinks that extension is limited to an extension of the remarks the gentleman himself makes, and that specific authority would be necessary to extend remarks by printing newspaper and magazine articles or other documents. The Chair thinks a Member would not have that right unless he receives specific authority from the House.

The Chair thinks it is unquestionable that that is the practice, that were merely the general request is made to have the privilege to revise and extend, a Member may not incorporate anything except his own remarks, and the only circumstances under which he can insert something other than his own remarks is where he asks specific leave and refers specifically to the documents he desires to insert.

¹ Nicholas Longworth, of Ohio, Speaker.

3463. A motion to correct the Record is privileged.

A Member having so revised his remarks as to affect the import of words uttered by another Member, the House corrected the Record.

On April 8, 1909,¹ following the approval of the Journal Mr. William H. Calderhead, of Kansas, prefacing a motion to correct the Record, explained that during debate on a previous day, Mr. Rufus Hardy, of Texas, had asked this question:

If protection is a righteous proposition, ought it not to prevail for every locality and in favor of every State?

To which he had replied:

It does, without question.

However, in correcting the manuscript, Mr. Hardy has interpolated these words:

If the principle is right, is it not just as right if used to protect Texas and Wisconsin against New England as when used to protect New England against old England?

Mr. Calderhead submitted that his reply conveyed a different meaning when considered as a response to the amended question and moved that the Record be corrected by revising the question propounded by Mr. Hardy to conform to the reporter's notes.

Mr. James L. Slayden, of Texas, proposed to delay action on the motion.

The Speaker² held the motion to be privileged and entitled to immediate consideration.

3464. A question as to the accuracy or propriety of the report of proceedings as printed in the Record may be submitted to the House as a matter of privilege.

While correction of the Record is usually proposed informally, a motion or resolution must be submitted if a question of order is raised.

On July 23, 1909,³ Mr. Robert B. Macon, of Arkansas, rising to a question of privilege, read the following paragraph appearing in a report of a colloquy between himself and Mr. Atterson W. Rucker, of Colorado, in the Record of the preceding day:

I hope that the gentleman from Arkansas, in his anxiety, will for the present withhold his resignation, so that his constituents may at the next election write it for him. [Great applause.]

Mr. Macon stated that the paragraph was inserted in the typewritten notes of debate in handwriting and that the official reporters disclaimed having reported it. Mr. Macon therefore moved to correct the Record by striking out the paragraph.

Mr. Thomas W. Hardwick, of Georgia, demanded the regular order.

The Speaker² held that the question submitted involved a question of privilege and was in order.

The question on the motion to correct the Record being taken, it was decided in the affirmative and the paragraph was stricken from the Record.

Whereupon, Mr. Rucker informally requested a correction of the Record on a similar insertion by Mr. Marlin E. Olmsted, of Pennsylvania.

¹ First session Sixty-first Congress, Record, p. 1191.

² Joseph G. Cannon, of Illinois, Speaker.

³ First session Sixty-first Congress, Record, p. 4594.

Mr. James R. Mann, of Illinois, rose to a question of order.

The Speaker said:

The question arises of a matter of privilege in the House. The gentleman should state it. We are in the habit of calling attention to a correction of the Record *pro forma*, but if objection is made, the gentleman should state or present or a resolution covering the correction he desires to make.

3465. A Member having the floor and yielding for a question may not in revising the manuscript of his speech omit the interruption; but if he declines to yield for interruption, may in revision strike out such words interpolated by another without his consent.

After the House had voted to resolve into the Committee of the Whole the Speaker entertained a question of personal privilege.

On April 29, 1918,¹ Mr. Martin D. Foster, of Illinois, moved that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of the bill (H. R. 11259) to control the distribution of ores, metals, and minerals for war purposes.

The question being put and the yeas and nays being ordered, it was decided in the affirmative.

The Speaker announced the result of the vote, when Mr. Fred A. Britten, of Illinois, claimed the floor on a question of personal privilege.

Mr. Otis Wingo, of Arkansas, made the point of order that the House had just voted to go into the Committee of the Whole House on the state of the Union.

The Speaker² overruled the point of order and held the question of privilege took precedence, and recognized Mr. Britten.

Mr. Britten stated that in a speech appearing in the Record of the previous Friday Mr. J. Thomas Heflin, of Alabama, had charged that a bill introduced by Mr. Britten had been written by one George Sylvester Viereck, editor of a magazine characterized as disloyal.

During the discussion of the question by Mr. Britten, Mr. Heflin interpolated statements without waiting for Mr. Britten to yield.

Mr. Britten addressed a parliamentary inquiry to the Chair asking if in revising his remarks for the Record he would be within his rights in striking such statements from the manuscript.

The Speaker ruled:

The rule is this: Speaker Reed taught me a lesson in regard to it. One day I was making a speech, and I thought I was making a good one. I wound up with a long rhetorical sentence, and right in the middle of it, Mr. Steele, of Indiana, asked me a question which had nothing to do with it. I answered his question and then went back and repeated the sentence, and then when it was brought to me I struck his question and my answer out. The next morning he rose to a question of privilege and wanted to know why it was stricken out. Mr. Reed asked me, and I told him it had nothing in the world to do with my speech, and I did not propose to have a good sentence like that ruined by Governor Steele or anybody else. Then, as I say, the Speaker taught me a lesson. He said that when a man has the floor and another gentleman interrupts him to ask him a question and he answers it he has no right to strike it out, but that if a man breaks in without permission on the

¹ Second session Sixty-fifth Congress, Record, p. 5777.

² Champ Clark, of Missouri, Speaker.

gentleman who has the floor and gets his remarks in, the gentleman making the speech has a perfect right to cut them out, or if he declines to yield and the man insists on interrupting he has a right to cut them out.

3466. The Speaker may order stricken from the notes of the reporters remarks made by Members who have not been recognized and to whom the Member having the floor has declined to yield.—On August 4, 1991,¹ Mr. Charles N. Fowler, of New Jersey, rising to a parliamentary inquiry, asked if remarks made by a Member who had not received recognition from the Chair and to whom the Member having the floor had declined to yield, were properly incorporated in the Record.

The Speaker² replied:

The rule has been that if the gentleman from Illinois, for instance, is addressing the House, and some other Member asks leave to interrupt him, and the gentleman from Illinois declines to be interrupted, and the other Member persists in talking, the Speaker has the right to strike out what the interrupting Member said after he had been notified that interruptions were not desired. But it takes all of that to get it out.

3467. While remarks in order may not be stricken from the Record, remarks interjected into the speech of a Member by another to whom he has not yielded, may be stricken out by the Member himself in revising the manuscript of his speech; or if allowed to remain and printed in the Record, may be stricken from the Record by the House.—On November 1, 1919,³ immediately after the reading and approval of the Journal, Mr. Edward J. King, of Illinois, moved to correct the Record by striking out language used by Mr. Thomas L. Blanton, of Texas, without recognition from the Chair or from Mr. King, who had the floor at the time.

The language claimed to have been improperly incorporated in the Record was as follows:

No. Only the autocratic, anarchistic leaders who preach revolution against our Government.

Mr. King raised no question against the purport and character of the language but based his motion on the right of a Member to speak without interruption from others to whom he had not yielded.

The Speaker⁴ entertained the motion and said:

It seems to the Chair at first blush that it is in order to strike out the words as a question of privilege. If a Member without permission interjects a statement into another Member's speech, the House has a right to determine whether it should be stricken out. The Chair is disposed to think that if another gentleman interjects a statement into a Member's speech, the Member himself has the right to strike that out, but that is a matter of procedure rather than of parliamentary law, and the Member might not have the opportunity to strike it out or even to see it.

The question being put it was decided in the affirmative and the motion was agreed to.

¹ First session Sixty-second Congress, Record, p. 3603.

² Champ Clark, of Missouri, Speaker.

³ First session Sixty-sixth Congress, Record, p. 7843.

⁴ Frederick H. Gillett, of Massachusetts, Speaker.

3468. Where the remarks of another are not affected, a Member in revising a speech for the Record may strike out any portion or may omit the speech in its entirety.—On May 17, 1926,¹ Mr. James B. Aswell, of Louisiana, rose to a question of privilege and called attention to the omission of remarks made by Mr. Charles Brand, of Ohio, in a colloquy on the preceding Friday.

During the ensuing debate, Mr. J. N. Tincher, of Kansas, inquired of the Chair if Members were authorized under the practice of the House to omit questions or answers in revising their remarks for the printer.

The Speaker² replied:

Generally speaking, the Chair understands the rule to be that a Member in the course of debate may not alter any language that he used which affects the context or affects the remarks of the gentleman who interrupted him. Of course, the mere leaving out of a sentence in speech is not improper. Members frequently leave out a speech in its entirety.

3469. The House may not strike from the Record the remarks of a Member made in order.

A charge that a Member has “violated the rules of the House” was held not to give rise to a question of privilege.

On April 15, 1910,³ Mr. William S. Bennett, of New York, claiming the floor for a question of privilege, read from the Record remarks made by Mr. Henry T. Rainey, of Illinois, on the preceding day, as follows:

I am aware of the fact that a few days ago the Attorney General of the United States had read into the record, in violation of the rules of this House, by the gentleman from New York a remarkable statement.

Mr. Bennett moved to strike from the Record the phrase “in violation of the rules of this House.”

Mr. Charles L. Bartlett, of Georgia, raised a question of order against the motion on the ground that the words sought to be expunged were actually delivered on the floor and were in order.

The Speaker⁴ ruled:

The general rule is that where a Member is speaking, if some other Member conceives him to be not in order in what he is saying, he is called to order, and then it is his duty to take his seat, under the rule, until the House orders that he proceed, or otherwise.

Words spoken in debate, under the practices of the House ordinarily, have not been expunged, and yet there are exceptions. The most notable case was during the last Congress, when the gentleman from New York, Mr. Willett, made a speech in which he made some charges and personal reflections upon the President. He was called to order, but not until he had proceeded for some time; and afterwards the House on resolution, struck out matters that he had stated in the floor of the House without being called to order. That case was exceptional, in that it involved the relations of the House to a coordinate branch of the Government, the President. The present case involves the relation of Members of the House to one another.

As a general proposition it is in order for the House to control the Record by resolution, as was done in the Willett case. If a member, being called to order, proceeds not in order, then,

¹ First session Sixty-ninth Congress, Record, p. 9527.

² Nicholas Longworth, of Ohio, Speaker.

³ Second session Sixty-first Congress, Record, p. 4739.

⁴ Joseph G. Cannon, of Illinois, Speaker.

under the practice of the House and the rules, the Speaker, on his own motion, may expunge from the Record what is stated out of order. This is not that case.

When Mr. Randall was Speaker, on February 1, 1878—

“Mr. John H. Baker, of Indiana, made certain changes against the Doorkeeper of the House, presenting certain affidavits reflecting on his character, which were made a part of the speech.

“After action on the charges, Mr. Charles C. Ellsworth, of Michigan, moved that the affidavits, which were ex parte, be stricken from the record of debates. This motion was agreed to, but was subsequently reconsidered.

“Thereupon, Mr. Baker protested that the affidavits were a part of his speech made on the floor in support of his motion, and that a majority on the floor had no right to expurgate the Record, thus saying by resolution what sentiments a Member should utter on the floor of the House.

“The Speaker said:

“The Chair thinks that the position taken by the gentleman from Indiana * * * is the correct one, that the House can not eliminate from the remarks of a Member what has been permitted to be made part of his remarks in order.”

“No appeal was taken from this decision, but Mr. James A. Garfield, of Ohio, said that the decision seemed just to all concerned, and that in all his service on the Committee on Rules he remembered but two instances where the House had struck from the Record what had been said, and in each case it was done because the words were spoken against order.”

Yet the Chair was inclined to hesitate about sustaining the point of order, but the gentleman from New York states that when he first presented the motion he was under the impression that these words were not stated in actual debate, but were printed by leave of the House, the ordinary leave to print. He has subsequently stated that he is informed and is satisfied that the words were actually spoken by the gentleman from Illinois.

While ordinarily the Chair would submit the question to the House to determine by vote whether the words covered by the motion should be stricken from the Record, yet under all the conditions, each case resting upon its own merits, the Chair is inclined to sustain the point of order.

3470. On May 29, 1933,¹ Mr. Louis T. McFadden, of Pennsylvania, in the course of general debate, quoted from “the protocols of Zion.” On May 31,² Mr. Joseph W. Byrns, of Tennessee, speaking by unanimous consent, read a communication denying the authenticity of the matter quoted by Mr. McFadden and asking that the denial be placed in the Record.

Whereupon, Mr. John J. Boylan, of New York, moved that this portion of Mr. McFadden’s speech be expunged from the Record.

The Speaker³ declined recognition for the motion and said:

That requires unanimous consent.

3471. In exceptional instances words flagrantly disorderly have been excluded from the Record by direction of the Speaker.—On March 30, 1926,⁴ in debating impeachment charges against Judge George English, United States judge for the eastern judicial district of Illinois, Mr. John N. Tillman of Arkansas, quoted language used by Judge English which was represented in the Record as follows:

I will be ——— if you are going to pass the buck to this court. I have power to call out a thousand men to enforce my injunctions, and if you do not cooperate, I will remove every ——— one of you from office.

¹ First session Seventy-third Congress, Record, p. 4539.

² Record, p. 4712.

³ Henry T. Rainey, of Illinois, Speaker.

⁴ First session Sixty-ninth Congress, Record, p. 6602.

And again:

I will not try any case where Mr. Karch appears as counsellor or attorney. I will not try any cases when that _____ appears as an attorney.

At the conclusion of the speech, the Speaker¹ addressed the House and said:

The Chair has been in doubt on one or two occasions this afternoon whether he should permit the use of certain language even by way of quotation. The Chair at the time realized, of course, that the members of the majority of the committee might think the use of this language would be material in describing an individual. The Chair hopes that it will not be used further during this debate and suggests also that those words be stricken from the Record.

The Chair thinks his ruling ought to be regarded as a precedent as far as these proceedings in the House are concerned. If the Chair should be officially advised that the use of this language is actually necessary, he might order the galleries cleared.

3472. Where one paragraph of a speech inserted in the Record under leave to print contained unparliamentary language, the entire speech was stricken out.—On October 24, 1921,² on motion of Mr. Frank M. Mondell, of Wyoming, a speech by Mr. Thomas L. Blanton, of Texas, inserted under leave to print, was stricken from the Record, on the ground that one paragraph quoted an affidavit by an employee of the Government Printing Office couched in unparliamentary language.

3473. Instance wherein proceedings in the Senate were ordered excluded and expunged from the Record.

On October 11, 1929,³ (legislative day of September 30), in the Senate on motion of Mr. James E. Watson, of Indiana, by unanimous consent, a telegram was read from the desk by the Chief Clerk.

In the course of the reading, Mr. William H. King, of Utah, interrupted and raised the question of order that the communication was a personal attack on Mr. Henry F. Ashurst, of Arizona.

Whereupon, on motion of Mr. Joseph T. Robinson, of Arkansas, it was ordered that it be excluded and expunged from the Congressional Record.

3474. The Speaker has no control over the Congressional Record and no authority to censor or exclude speeches of Members.—On May 26, 1921,⁴ Mr. Tom Connally, of Texas, rising to a parliamentary inquiry, said:

What is the parliamentary procedure by which remarks, delivered in the Committee of the Whole House, that do not come within the rule as reflecting on any individual, but reflect on the dignity and honor of the country, may be stricken out in the House? Does it simply require a motion or does it require a resolution? I will state that my inquiry is prompted by the fact that while we were sitting in the Committee of the Whole House on the state of the Union this afternoon we were treated to a most disgraceful reflection on the course the American Government and American people pursued during the World War that has lately come to an end. If there is no way under the rules of this House by which it can protect itself and the dignity and the honor of the country from such a slimy, slanderous, disgraceful, outrageous assault as was made by the gentleman from Illinois, Mr. Michaelson—and that language is used only because parliamentary law

¹ Nicholas Longworth, of Ohio, Speaker.

² First session Sixty-seventh Congress, Record, p. 6687.

³ First session Seventy-first Congress, Senate Journal, p. 165.

⁴ First session Sixty-seventh Congress, Record, p. 1818.

requires its use—if there is no way by which the House and the country can be protected from these outrageous slanders on its dignity and its honor, there ought to be some way by which the House can exclude from its Record this slimy exudation of one who is not worthy to sit in this Chamber.

The Speaker¹ held that a parliamentary inquiry had not been submitted. Whereupon, Mr. Connally inquired:

Mr. Speaker, is it not true that under the rule of the House the Speaker has jurisdiction to control the Record, and in case a point of order is made can exercise the right to withhold those remarks until the House can take action in that regard?

The Speaker ruled:

The Chair does not think the Speaker has such control of the Record as would justify him in keeping a speech out of the Record.

3475. It is for the House and not the Speaker to determine whether matter inserted in the Congressional Record under leave to print is in violation of the rules.

A resolution to expunge from the Record a speech alleged to be an abuse of the leave to print must be entertained as a matter of privilege.

An instance in which the Speaker deferred ruling on an unusual point of order until time could be had to consult the precedents.

A Member, having inserted articles from a magazine under leave to extend his own remarks, was given unanimous consent to expunge the unauthorized matter on condition that it not be reprinted by the Public Printer as frankable.

On June 20, 1919,² Mr. Eugene Black, of Texas, claiming the floor on a question of privilege of the House, offered this resolution:

Resolved, That whereas it appears from the publication of the Congressional Record of Thursday, June 19, 1919, that Hon. James A. Gallivan, of Massachusetts, addressed the House during general debate on the sundry civil appropriation bill and was granted leave to revise, extend, and correct his remarks; and whereas under such grant he has caused to be published seven printed articles from the New Republic written by William Hard, covering about nine closely printed pages of the Congressional Record, said articles attacking the official acts of the Postmaster General, A. S. Burleson.

Resolved, That the publications of said articles are without sanction of the House and in contravention of the special order granting to the gentleman from Massachusetts leave to revise, extend, and correct his remarks, and that said articles be expunged from the Record and the Public Printer be directed to omit them from the public Record and be prohibited from issuing any copy or copies thereof in pamphlet or other form from the columns of the daily Record.

Mr. Black read the authorization for the extension of remarks granted Mr. James A. Gallivan, of Massachusetts, on the previous day, as follows:

Mr. Chairman, I ask unanimous consent to revise, extend, and correct my remarks in the Record. The Chairman. Is there objection? [After a pause.] The Chair hears none.

and submitted that the leave to print did not include the magazine articles accompanying the extension in the Record.

¹ Frederick H. Gillett, of Massachusetts, Speaker.

² First session Sixty-sixth Congress, Record, p. 1459.

Mr. Frank W. Mondell, of Wyoming, made the point of order that the resolution was not privileged.

The Speaker¹ said:

This is a rather important question. The Chair offhand was under the impression that a Member who obtains the right to extend his remarks in the Record may print not only his remarks but extracts which he chooses to append thereto, unless he is limited, as is often done, by somebody objecting to any extraneous matter, but the Chair would like to examine the authorities, so that we may be sure that a proper precedent is set. The Chair will ask the gentleman from Texas if he is willing to let this matter go over until tomorrow?

On the following day,² Mr. Black again called up the resolution.

The Speaker ruled:

A question of order was raised that this was not privileged. The Chair has examined the precedents and thinks that the rule is very well settled, and some of the old cases are very entertaining. According to the precedents this is a privileged resolution, but the Chair also is glad to find it laid down by Mr. Speaker Carlisle, in a case which has been followed ever since, that the question whether the matter alleged is a violation of the rules of the House is a matter not for the Speaker to decide but for the House to decide. The resolution is now before the House, and it is for the House to decide whether the matter inserted violates the rules of the House and should be expunged.

Mr. Gallivan asked unanimous consent that the extension objected to be stricken from the Record.

Mr. Black asked to have coupled with that request provision that the extension should not be printed by the Public Printer for distribution.

The Speaker put the question:

The question is on the unanimous consent asked by the gentleman from Massachusetts. He asked unanimous consent to strike out all the matter published except his own remarks. That it will not be printed as frankable matter. Is there objection?

There was no objection.

3476. The period within which Members may extend remarks under leave to print begins with the day on which permission is granted.

On December 21, 1932,³ pending adjournment, Mr. William B. Bankhead, of Alabama, referred to a general leave to extend remarks for five legislative days which had been granted on the previous day, and inquired if the 5-day period began on the day on which granted or on the succeeding day.

The Speaker⁴ said:

It dates from the day the consent was given.

3477. Individual permission to extend remarks permits but one extension, and Members proposing to insert more than one speech in the Record are required to secure separate leave for each extension.

On July 13, 1932,⁵ a number of requests were made by Members for leave to extend their remarks in the Record.

¹ Frederick H. Gillett, of Massachusetts, Speaker.

² Record, p. 1508.

³ Second session Seventy-second Congress, Record, p. 868.

⁴ John N. Garner, of Texas, Speaker.

⁵ First session Seventy-second Congress, Record, p. 15234.

Mr. Robert G. Simmons, of Nebraska, as a parliamentary inquiry, asked if under leave granted to extend remarks a Member might insert more than one extension.

The Speaker¹ replied that under general permission to extend remarks, a Member might make as many insertions as he desired, but under permission granted to Members individually, only one insertion was permissible and it was necessary to secure specific permission for each insertion.

3478. General leave to print extended at the close of a session authorizes Members to extend remarks without restriction as to the number of extensions.

On June 30, 1932,² Mr. Bertrand H. Snell, of New York, asked unanimous consent that all Members be permitted to extend their own remarks in the Record until the close of the session.

In submitting the request, Mr. Snell specified:

Mr. Speaker, I ask unanimous consent that each Member may have from now until the time of the printing of the last Record in which to extend his own remarks and in order that there may be no misunderstanding I mean that if I individually want to extend my own remarks on two different subjects I may do it in two different extensions.

The Speaker¹ said:

That is the rule. Is there objection?

3479. Authorizations to extend remarks in the Record are strictly construed and it is not in order under leave to print to insert other material than that designated in the request.

A resolution to expunge from the Record material inserted without authorization is privileged and entitles the proponent to recognition to debate it.

If a Member in debate transgress the rules it is the duty of the Speaker to intervene and require that he proceed in order.

On March 23, 1908,³ Mr. James R. Mann, of Illinois, offered as privileged the following resolution:

Resolved, That the Congressional Record of March 21, 1908, be corrected by striking out, on pages 3820, 3821, 3823, 3824, 3825, and 3826, the speech purporting to have been delivered by the gentleman from New York, Mr. Sulzer, and inserting in lieu thereof the transcript of the notes of the official reporters of the House of the speech actually made, together with the copy of any record referred to in such speech.

The resolution was read by the Clerk and Mr. Mann was proceeding in debate, when Mr. Charles L. Bartlett, of Georgia, made a point of order that Mr. Mann was not entitled to the floor.

The Speaker⁴ overruled the point of order and held that the resolution must be entertained as privileged and that Mr. Mann having been recognized to present such a resolution was entitled to the floor.

¹ John N. Garner, of Texas, Speaker.

² First session Seventh-second Congress, Record, p. 14388.

³ First session Sixtieth Congress, Record, p. 3748.

⁴ Joseph G. Cannon, of Illinois, Speaker.

Subsequently, during debate on the resolution, Mr. William Sulzer, of New York, referring to Mr. Mann, charged:

I stand on the Record. I abide by the Record, and I say to the gentleman from Illinois that he barks and gets bitten and then whines; and I am surprised that the gentleman has appeared to-day in his mean, little, pettifogging way, whining and squealing—because he deceived the House and he deceived the country the other day when he said he originated the “idea”; that he was the author of the “law” to create the Bureau of Corporations. His claim was preposterous and ridiculous, and nobody knew it better than the gentleman from Illinois when he said it; but he did it deliberately, and when he was told he was deceiving the House he refused to give me permission to reply to correct the misstatement.

The Speaker interposed;

The gentleman will suspend. The gentleman is out of order in his remarks, and it is the duty of the Chair to so state to the gentleman. And the gentleman will proceed in order.

Later in the same address, Mr. Sulzer said:

Now, Mr. Speaker, the gentleman from Illinois, like a pettifogging lawyer, has dodged all around this question—

The Speaker again interrupted and reiterated:

The Chair desires to say to the gentleman from New York that it is not in order to use such terms toward any Member of the House, and it is the duty of the Chair to call the gentleman to order. The gentleman will proceed in order under the rules of the House.

3480. Leave to print authorizes extensions of the Member's remarks only and other matter may not be included without specific permission.

On March 27, 1933,¹ Mr. Bertrand H. Snell, of New York, rising to submit a parliamentary inquiry, called attention to instances in which Members in extending their remarks in the Record under leave to print had included extraneous matter without having secured permission, and asked for a statement of the practice of the House in that respect.

The Speaker² said:

The Chair will make the announcement now. Under permission to extend remarks a Member obtains permission to extend his own remarks only, unless he receives specific permission from the House to include in his remarks the documents that he desires to incorporate.

3481. Leave to extend remarks in the Record may be granted conditionally.

Instance wherein it was stipulated that matter inserted under leave to print should be limited to the Member's own remarks and should not include newspaper articles or other extraneous matter.

On January 12, 1920,³ following the announcement of the result of the vote on the passage of the bill (H. R. 7158) to provide for the expenses of the government of the District of Columbia, Mr. Carl E. Mapes, of Michigan, submitted a request for unanimous consent that all Members have five legislative days in which to extend remarks on the bill.

¹ First session Seventy-third Congress, Record, p. 882.

² Henry T. Rainey, of Illinois, Speaker.

³ Second session Sixty-sixth Congress, Record, p. 1467.

Mr. Joseph Walsh, of Massachusetts, under reservation of the right to object, proposed to consent with the stipulation that matter so inserted should be restricted to the Member's own remarks and should not include newspaper articles or other dissertations.

The Speaker¹ put the question.

With the restriction suggested by the gentleman from Massachusetts, is there objection?

There was no objection.

3482. On September 11, 1919,² at the conclusion of a speech delivered under an order previously made by the House, Mr. Thomas L. Blanton, of Texas, asked unanimous consent to extend his remarks in the Record by including facts and figures and certain communications bearing out his argument.

Mr. Otis Wingo, of Arkansas, stipulated:

Mr. Speaker, I have no objection to the gentleman extending his remarks by printing an official communication such as he suggests. If the gentleman will ask leave to extend his remarks by inserting such facts and figures and communications, I shall not object. If they are official communications, I shall not object.

The Speaker¹ qualified:

The gentleman will proceed under the limitations suggested.

3483. Remarks extended in the Record under leave to print are inserted as of the date on which permission is granted.

Under leave to extend remarks a Member may not insert reference to proceedings subsequent to the date on which leave to extend was granted.

The Speaker has no authority over the Congressional Record, and it is for the House to say when the rules have been violated and to enforce their observance.

On October 26, 1918,³ when the House met, following a recess of the legislative day of October 24, Mr. Frederick H. Gillett, of Massachusetts, gave notice that he desired to correct the Record with reference to remarks extended in the Record of October 25 by Mr. J. Thomas Heflin, of Alabama, without having secured leave to print.

Mr. Heflin stated that he had received permission to extend remarks during the previous week.

Mr. Gillett pointed out that the remarks included a copy of an order by the Director General of Railroads which was not issued until October 19, a day subsequent to the date on which Mr. Heflin obtained leave to print.

The Speaker⁴ ruled:

The rule is plain enough. If a gentleman rises and simply gets leave to extend remarks, he can extend them any time before the 4th of March, but he can not put into the extended remarks

¹ Frederick H. Gillett, of Massachusetts, Speaker.

² First session Sixty-sixth Congress, Record, p. 5238.

³ Second session Sixty-fifth Congress, Record, p. 11478.

⁴ Champ Clark, of Missouri, Speaker.

anything that happened after the date that he got his leave. That has been the practice of the House. Of course, the rule has not been invoked very frequently.

Mr. Gillett moved to strike from the extension of remarks all reference to proceedings subsequent to the date on which leave to print was granted.

Mr. Joe H. Eagle, of Texas, inquired why a motion was necessary when the Speaker had just stated the rule and was authorized to enforce it.

The Speaker said:

The Congressional Record is a matter entirely in the hands of the House and not in the hands of the Speaker. The Speaker stated the rule.

3484. On June 1, 1920,¹ following the reading and approval of the Journal, Mr. Eugene Black, of Texas, referred to an extension of remarks in the Record inserted by Mr. John M. Baer, of North Dakota, on the adjusted pay for service men, and called attention to the fact that the House had refused all requests for permission to extend remarks on the subject.

In Mr. Baer's absence, Mr. Thomas L. Blanton, of Texas, explained that the speech was evidently extended under a leave to print which he recalled having been granted Mr. Baer some time previously.

Mr. James R. Mann, of Illinois, expressed the opinion that the extension was a breach of order in that a speech delivered on one date could not be inserted in the Record as of a different date or under prior leave to print.

Mr. Finis J. Garrett, of Tennessee, concurred in that view and discussed complications arising from the practice of Members utilizing leave to print previously obtained and extending remarks on bills which had not been considered at the time leave to print was granted.

Mr. Louis C. Cramton, of Michigan, referred to instances in which difficulty had been experienced in determining whether extensions of remarks in the Record were authorized due to insertion under dates other than those on which delivered.

The Speaker² ruled:

The Chair would like to suggest that the Chair thinks whenever a Member extends remarks he should extend them as of the date when the permission was granted.

3485. Matter inserted in the Record under leave to print, if in continuation of remarks actually delivered on the floor, appears in connection with the speech in the body of the Record, but where the Member has not actually occupied the floor such extensions of remarks are printed in the Appendix.—On January 8, 1929,³ Mr. Marvin Jones, of Texas, being recognized to submit a parliamentary inquiry, asked why remarks, newspaper articles, documents, petitions, and other matter inserted in the Record by Members under leave to extend remarks was printed in the Appendix in the House proceedings but appeared in the body of the Record in the proceedings of the Senate.

¹ Second session Sixty-sixth Congress, Record, p. 8089.

² Frederick H. Gillett, of Massachusetts, Speaker.

³ Second session Seventieth Congress, Record, p. 1351.

The Speaker¹ replied:

It is a matter for each body to determine for itself; but the Chair has stated on a number of occasions that he thinks the proper distinction is this, that if a Member obtains the right to extend remarks which he is actually making by placing therein a document which he gets leave to print, that document is printed with those remarks in the main part of the Record. If, however, he asks leave to extend remarks not actually made by printing a certain document, that goes in the Appendix.

If the gentleman is making remarks on the floor of the House and obtains leave to print any document which helps his argument or refers to matters he is discussing, the Chair thinks that properly becomes a part of his remarks in the main body of the Record; but if he rises and asks unanimous consent to extend his remarks and to incorporate therein a document, letter, or editorial—whatever it may be—that must be printed in the Appendix.

3486. On January 7, 1930,² Mr. Bertrand H. Snell, of New York, rising to a parliamentary inquiry, called attention to an extension of remarks inserted in the body of the Record of the preceding day under leave to print granted Mr. Sol Bloom, of New York, no part of which had actually been delivered on the floor.

Mr. Snell asked for a ruling of the Chair differentiating between extension of remarks which were entitled to incorporation in the body of the proceeding and those to be printed in the Appendix.

The Speaker¹ said:

That question has been several times ruled upon by the present occupant of the Chair. The latest ruling was in January, 1929. The Chair will request the Clerk to read the colloquy on that occasion, because it covers the subject very fully.

The Clerk having read from the Record³ the colloquy referred to, the Speaker continued:

The Chair thinks that is a fair statement of the proper practice which should exist in the House. In other words where a Member actually takes the floor and makes a speech and asks unanimous consent to add to his remarks, either by way of continuing his own remarks or by the publication of a document or documents relating to the subject which he has actually discussed on the floor, that that addition might properly go into the body of the Record. But when he merely rises and asks leave to extend his remarks by printing a document or documents, and has made no speech, and has not occupied the floor for that purpose, the Chair thinks that those documents should be printed in the Appendix. The Chair hopes that Members will follow this rule, and also that officials connected with the printing of the Record will follow the rule.

3487. On February 11, 1910,⁴ Mr. Henry Allen Cooper, of Wisconsin, submitted a parliamentary inquiry as to the proper method of correcting minor errors in the Record.

The Speaker⁵ replied:

If it is a correction of words in a speech, the gentleman could have it corrected without bringing it to the attention of the House. If it concerns another Member, it would be better to submit the question in the House.

¹Nicholas Longworth, of Ohio, Speaker.

²Second session Seventy-first Congress, Record, p. 1187.

³Section 3485 of this work.

⁴Second session Sixty-first Congress, Record, p. 1768.

⁵Joseph G. Cannon, of Illinois, Speaker.

3488. General leave to print may be granted only by the House, although in Committee of the Whole a Member, by unanimous consent, may be given leave to extend his remarks.—On February 24, 1931,¹ during debate on the joint resolution (H. J. Res. 292) proposing an amendment to the Constitution of the United States fixing the time of the assembling of Congress, Mr. Lamar Jeffers, of Alabama, requested unanimous consent that all Members have permission to extend their remarks in the Record on the subject.

The Chairman² declined to recognize Mr. Jeffers to submit the request and said:

The Chair can not entertain that request, because it must be made in the House.

Thereupon, Mr. Jeffers modified his request and asked that he be granted permission to revise and extend his remarks.

The Chairman put the request and, there being no objection, it was agreed to.

3489. On January 18, 1921,³ the Committee of the Whole House on the state of the Union was considering the bill (H. R. 14498) for the apportionment of Representatives in Congress under the Fourteenth census, when Mr. Issac Siegel, of New York, asked unanimous consent that all members who had spoken on the subject be permitted to extend their remarks in the Record.

The Chairman⁴ declined to entertain the request and said:

That is a request that can not be acted upon in Committee of the Whole. The committee can grant leave to one Member, but no general leave.

Whereupon, Mr. Siegel asked unanimous consent to extend his own remarks on the pending bill.

The Chairman having submitted the request to the House, there was no objection.

3490. On April 10, 1908,⁵ during consideration of the naval appropriation bill the Committee of the Whole House on the state of the Union, Mr. Lemuel P. Padgett, of Tennessee, asked leave to extend his remarks in the Record.

Whereupon, Mr. George E. Foss, of Illinois, asked that the request be amended to include all Members speaking on the bill.

The Chairman⁶ said:

Under the rule, the committee can not give unanimous consent. The gentleman from Tennessee asks unanimous consent to extend his remarks on this subject in the Record. Is there objection?

There was no objection.

¹Third session Seventy-first Congress, Record, p. 5895.

²Frederick R. Lehlbach, of New Jersey, Chairman.

³Third session Sixty-sixth Congress, Record, p. 1642.

⁴Philip P. Campbell, of Kansas, Chairman.

⁵First session Sixtieth Congress, Record, p. 4581.

⁶James A. Mann, of Illinois, Chairman.

3491. A motion to expunge unparliamentary language inserted under leave to print was entertained as privileged.

Insertion of improper language under leave to print was held to sustain a question of the privilege of the House.

A question of privilege takes precedence of a report from the Committee on Rules.

A committee appointed to investigate the propriety of a Member's remarks appearing in the Record affords the Member an opportunity to be heard in person or by counsel.

On March 24, 1916,¹ Mr. Edward W. Pou, of North Carolina, by direction of the Committee on Rules, reported the resolution (H. Res. 182) providing for the consideration of the immigration bill.

During debate on the resolution, Mr. Martin B. Madden, of Illinois, rising to a question of privilege, moved to expunge from the Record certain remarks inserted by Mr. James H. Davis, of Texas, on a previous day under leave to print.

Mr. John L. Burnett, of Alabama, submitted that a question of privilege could not be entertained during consideration of a report from the Committee on Rules.

The Speaker² held that the question of privilege took precedence of a report from the Committee on Rules.

After debate, Mr. Madden modified his motion to provide for the appointment by the Speaker of a select committee to investigate the propriety of the speech referred to.

Mr. Davis inquired what opportunity would be given him to justify his remarks. The Speaker said:

The House will act under the general practice of the House and under the general rules of the House. The Chair will explain to the gentlemen that if the gentleman from Illinois stood on his first resolution to expunge it from the Record, the matter would come up immediately. If it follows the practice, so far as the Chair recollects since he has been here, to appoint a committee to investigate it, which was done on three different occasions, then the gentleman can appear before the committee either in person or by counsel.

The question on the motion being taken, it was agreed to; and the Speaker appointed on the committee so authorized Mr. Edwin Yates Webb, of North Carolina, Mr. Alben W. Barkley, of Kentucky, Mr. Andrew J. Montague, of Virginia, Mr. Henry Allen Cooper, of Wisconsin, and Mr. Edmund Platt, of New York.

On March 27, 1916,³ Mr. Webb from the select committee presented the report of the committee, stating that Mr. Davis had been invited to submit a statement and had been heard, and had approved the recommendation of the committee that certain portions of the speech be omitted from the permanent Record.

The committee therefore submitted the following resolution:

Resolved, That the foregoing language referred to in the speech of Mr. J.H. Davis, Representative in Congress from the State of Texas, and printed in the daily Congressional Record of March 22, 1916, be stricken from the permanent Record.

The resolution was agreed to.

¹First session Sixty-fourth Congress, Record, p. 4769.

²Champ Clark, of Missouri, Speaker.

³Record, p. 4931.

3492. On February 20, 1931,¹ a resolution (H. Res. 364) presented by Mr. John J. Boylan, of New York, as involving the privilege of the House, was agreed to without division or debate as follows:

Whereas in the Congressional Record of February 18, 1931, on page 5472, there appears in the remarks purporting to be made by the gentleman from Pennsylvania, Mr. McFadden, certain language reflecting upon the integrity, honesty, reputation, and conduct of Members of the Senate, individually, in their representative capacity; and

Whereas the said statements were not, as a matter of fact, made upon the floor; and

Whereas the said statements were unparliamentary, out of order, and a violation of the privileges of the House, and if the same had been uttered upon the floor of the House would have been subject to a point of order: Now, therefore, be it

Resolved, That the said remarks be stricken from the Record (February 18, 1931) and the Public Printer be prohibited from issuing copies of thereof from the columns of the Congressional Record.

3493. A resolution providing for the appointment of a committee to consider the propriety of remarks inserted under leave to print was entertained as privileged.—On March 9, 1912,² Mr. Martin D. Foster, of Illinois, offered as privileged the following:

Whereas the speech of Mr. Akin, of New York, printed in the Congressional Record of March 7, 1912, contains language improper and in violation of the privilege of debate: Be it

Resolved, That a committee of five Members be appointed to consider the remarks aforesaid and to report thereon to the House within 10 days.

The Speaker³ recognized Mr. Foster to present the resolution, which after debate was agreed to without division.

On the next legislative day,⁴ on request of Mr. Wyatt Aiken, of South Carolina, the remarks referred to in the resolution, and reflecting on the President of the United States, were stricken from the Record.

Whereupon, on motion of Mr. Foster, by unanimous consent the proceedings whereby the resolution was agreed to were vacated.

3494. On February 4, 1910,⁵ Mr. George F. Burgess, of Texas, rising to a question of the privilege of the House, submitted the following resolution:

Whereas the speech of the Hon. Rufus Hardy, printed in the Congressional Record of February 2, 1910, and delivered in the House on January 28, 1910, and purporting to print a speech delivered by him on October 18, 1909, at Cameron, Tex., contains language improper and in violation of the rules and the privilege of debate, in that it contains criticism of the proceedings in the Senate and the action of a Senator, who is specified by name: Be it

Resolved, That this resolution be referred to the Committee on the Judiciary, with instructions to report in 10 days what action shall be taken.

After debate, in which Mr. Hardy participated, the resolution was agreed to without division.

¹Third session Seventy-first Congress, Temporary Record, p. 5633.

²Second session Sixty-second Congress, Record, p. 3095.

³Champ Clark, of Missouri, Speaker.

⁴Record, p. 3148.

⁵Second session Sixty-first Congress, Record, p. 1496.

Subsequently,¹ on motion of Mr. Hardy, by unanimous consent, the speech referred to in the resolution was withdrawn.

Whereupon, Mr. R. Wayne Parker, of New Jersey, offered the following:

Resolved, That inasmuch as the speech of the Hon. Rufus Hardy, mentioned in said resolution as referred to the Committee on the Judiciary, has on his motion been stricken from the permanent Record, the Committee on the Judiciary are hereby discharged from further consideration of said resolution so referred, and that the same do lie upon the table.

The resolution was agreed to without debate.

3495. A resolution providing for an investigation of the propriety of remarks, alleged to be an abuse of the leave to print, is entertained as a matter of privilege.

An abuse of the leave to print in the Congressional Record gives rise to a question of privilege.

When a Member, under leave to print, places in the Congressional Record that which would not have been in order if uttered on the floor, the House may exclude the language.

Intimation that Members were influenced by mercenary considerations in the exercise of their official duties was held to give rise to a question of privilege.

On July 21, 1916,² Mr. John Jacob Rogers, of Massachusetts, offered as privileged the following resolution:

Whereas in the Congressional Record of June 1, 1916, page 10410, the following language appears in a speech made by Hon. Oscar Callaway, of Texas, to wit:

"The Maxims, Gardners, and Thompsons have attempted to frighten the people into the belief that we were in danger of invasion. This is not the fear that disturbs the peace of mind of the gentlemen on the Naval Affairs Committee who heard the evidence. The fear that disturbs the peace of mind of the gentlemen from Pennsylvania, New York, and Massachusetts is not that our homes will be invaded, our cities bombarded, or our coasts laid waste; it is that the stocks of the Bethlehem, Midvale, Carnegie, Pennsylvania, Maryland, and New Jersey steel, ordnance, and ship manufacturing concerns will shrink when the foreign war closes unless a new market is developed. Bethlehem Steel stock increased, due to the war, from \$30 a share to \$530 a share. Certain powder stocks increased from \$8 a share to \$1,100 a share." Be it

Resolved, That a special committee of five be appointed by the Chair to investigate and report to the House whether or not said language ought to be expunged from the Record.

After brief debate the resolution was agreed to and the Speaker³ appointed as members of the committee so authorized Mr. Robert N. Page, of North Carolina, Mr. John E. Raker, of California, Mr. Edward T. Taylor, of Colorado, Mr. Frank W. Mondell, of Wyoming, and Mr. Horace M. Towner, of Iowa.

On August 22,⁴ Mr. Page submitted a report⁵ from the special committee recommending that the language referred to be stricken from the Record.

¹ Record, p. 1845.

² First session Sixty-fourth Congress, Record, p. 11402.

³ Champ Clark, of Missouri, Speaker.

⁴ Record, p. 12995.

⁵ House report No. 1170.

The report cited the rules involved as follows:

The rules of the House provide that in addressing the House Members must avoid personalities (par. 1, rule 14), and this rule is amplified by the following statement in Jefferson's Manual:

"The consequences of a measure may be reprobated in strong terms; but to arraign the motives of those who propose to advocate it is a personality, and against order." (House Manual and Digest, secs. 354, 355, 356, and note, pp. 136 and 137, and Hinds' Precedents, vol. 5, secs. 5147-5155).

The application of the rules to the case at bar was thus made:

This rule has been enforced even by Speakers interrupting a Member on the floor and challenging a Member for the use of personalities. In the case in question there was no opportunity either for the Member to himself object or for the Presiding Officer or another Member to call attention to the violation of the rule, because of the fact that the record shows that the words complained of were not uttered on the floor but were inserted in the revision and extension of the speech for printing in the Record.

The special committee therefore unanimously reported that the language as set forth in the resolution "was a personality, arraigned the motives of a Member, and was for that reason in violation of the rules of the House," and recommended that "the said language be expunged from the Record."

On motion of Mr. Page, the recommendations of the committee were agreed to without debate or division.

3496. A motion for the correction of the Congressional Record may be made properly after the reading and approval of the Journal.

Instance wherein a Member produced and read the reporter's notes of remarks not reflecting on himself delivered by another Member but not withheld for revision.

A motion to correct the Record, undisposed of at adjournment, was held to be in order as the unfinished business if called up when the House next convened.

On March 27, 1924,¹ following conclusion of the consideration of the War Department appropriation bill, Mr. Ben Johnson, of Kentucky, moved to correct the Record by striking out certain alterations made by Mr. Fiorello H. LaGuardia, of New York, as follows:

Colonel Hunt may have been guilty of bad judgment. It was pointed out here that he permitted this prisoner to go without handcuffs, but all gentlemen know that if Colonel Hunt or any other Army officer would put handcuffs on a prisoner, there would be 20 or 30 gentlemen on the floor of this House protesting against the brutality of that officer.

Mr. Johnson then read the remarks as appearing in the Record in this form:

Colonel Hunt may have exercised bad judgment. It was pointed out here that he permitted this prisoner to go without handcuffs, but all gentlemen know that if Colonel Hunt or any other Army officer would put handcuffs on a prisoner "while on a train or traveling," there would be 20 or 30 gentlemen on the floor of this House protesting against the brutality of that officer.

¹ First session Sixty-eighth Congress, Record, p. 5115.

Mr. Johnson also read the following excerpt from Mr. LaGuardia's remarks as given in the reporter's notes:

After 30 years of service I think it is not fair, it is unjust, to brand an officer as a traitor because he was guilty of using bad judgment in a case with which he had no personal contact—

which had appeared in the Record as follows:

After 30 years of service I think it is not fair, it is unjust, to brand an officer as a traitor because he was guilty of using bad judgment, and in the actual desertion he had no personal contact with the prisoner at the time.

Mr. Nicholas Longworth, of Ohio, raised a question of order and objected that a Member is not entitled to inspect the reporter's notes of remarks which do not contain reflections on himself delivered by another Member and withheld for revision.

Mr. Johnson replied that the rule did not apply for the reason that the notes produced were not withheld for revision.

The Speaker pro tempore did not pass on the point of order, but Mr. LaGuardia again read the excerpts from the notes and submitted that the alterations were not material.

Mr. Johnson dissented and moved that the alterations be expunged from the Record.

The question being taken, on a division, the yeas were 18, noes 30, and Mr. Johnson made the point of order that there was not a quorum present.

Mr. Longworth moved that the House adjourn.

Pending the motion to adjourn, Mr. Johnson propounded a parliamentary inquiry as to the status of the motion to expunge when the House next met.

The Speaker pro tempore said:

It will be the first business in order, as the Chair understands it, tomorrow morning, if the gentleman from Kentucky calls it up.

Whereupon, the House adjourned and the matter was not again called up.

3497. Alterations of a Member's own remarks which place a different aspect on the remarks of a colleague may be made only on authorization by the House, but mere typographical errors or minor changes in phraseology may be made informally by notifying the Record Clerk.—On June 4, 1930,¹ Mr. Fiorello H. LaGuardia, of New York, rising to a parliamentary inquiry, asked if the practice of the House permitted the correction of typographical errors and other minor amendments of a Member's own remarks through notification of the Record clerk.

The Speaker² replied:

The Chair thinks the rule is that anything that corrects the remarks of another Member or puts a different aspect on a Member's own remarks requires consent, but corrections such as the two just made, the Chair thinks can be made in the manner suggested by the gentleman.

¹ Second session Seventy-first Congress, Record, p. 10039.

² Nicholas Longworth, of Ohio, Speaker.

3498. While a motion to correct the Record is privileged, a motion to strike from the Record words in order, actually spoken in debate, is not admissible.—On October 28, 1921,¹ under consent to proceed for one minute, Mr. Finis J. Garrett, of Tennessee, speaking for Mr. Thomas L. Blanton, of Texas, asked unanimous consent that certain words used by the latter in debate on the preceding day be omitted in the printing of the permanent Record.

Mr. Frank W. Mondell, of Wyoming, having objected to the request, Mr. Meyer London, of New York, submitted an inquiry as to whether it would be in order to move to omit the words in the printing of the permanent Record.

The Speaker pro tempore² held that the motion could not be entertained.

3499. Provisions for the printing of the Congressional Record is statutory and motions mandatory thereto are not in order.

A motion to correct the Congressional Record is entertained as a matter of privilege.

On March 15, 1910,³ immediately following the reading and approval of the Journal, Mr. Thetus W. Sims, of Tennessee, called attention to the omission of a number of speeches from the proceedings of the preceding day, as reported in the Congressional Record, and moved that the proceedings of the House on that day be printed in full and in their appropriate order in the current Record as of the day on which transacted.

Mr. William H. Stafford, of Wisconsin, objected that the motion was not in order.

The Speaker⁴ sustained the point of order and said:

The Chair suggests, a point of order being made, that the Record is printed under law and under the direction of the Joint Committee on Printing. Now, it seems to the Chair that it is somewhat doubtful as to whether yesterday's Record can be printed to-morrow morning so far as the proceedings of the House are concerned, leaving out any reference to the Senate. It is perfectly patent to the Chair that the Record can be corrected, so that the permanent Record will be exactly as the proceedings were yesterday.

And that would happen, probably, without any action on the part of the House. The Chair, as at present advised, would have to sustain the point of order.

Whereupon, Mr. William Hughes, of New Jersey, moved that the Record of the preceding day be corrected to conform to the notes of the official reporters.

The Speaker entertained the motion as follows:

The gentleman moves that the Record be corrected by inserting the proceedings of yesterday—those that are omitted—according to the notes of the official reporters.

The motion was agreed to.

¹First session Sixty-seventh Congress, Record, p. 6968.

²Joseph Walsh, of Massachusetts, Speaker pro tempore.

³Second session Sixty-first Congress, Record, p. 3193.

⁴Joseph G. Cannon, of Illinois, Speaker.

3500. The rules governing the publications of the Congressional Record prescribe the conditions under which Members may revise their remarks.

Rules governing the furnishing of copy under leave to print in the Congressional Record.

The insertion of maps or diagrams in the Congressional Record is within the control of the Joint Committee on Printing.

The arrangement, style, type, etc., of the Congressional Record is prescribed by the Joint Committee on Printing.

On December 10, 1924, the Joint Committee on Printing¹ adopted the following rules for the publication of the Congressional Record.

1. The Public Printer will arrange the contents of the Record as follows: First, the Senate proceedings; second, the House proceedings; third, the Appendix: *Provided*, That when the proceedings of the Senate are not received in time to follow this arrangement, the Public Printer may begin the Record with the House proceedings.

2. The Public Printer shall begin the proceedings of each House and the Appendix on a new page, with appropriate headings centered thereon.

3. The Public Printer shall print the verbatim report of the proceedings and debates of the Senate and House of Representatives, as furnished by the official reports of the Congressional Record, in 8-point type, solid; and all matter included in the remarks or speeches of Members of Congress, other than their own words, and all reports, documents and other matter authorized to be inserted in the Record shall be printed in 6-point type, leaded; and all roll calls and lists of pairs shall be printed in 6-point type, solid.

4. When copy is submitted to Members for revision it should be returned to the Government Printing Office not later than 9 o'clock p.m., in order to insure publication in the Record issued on the following morning; and if all of said copy is not furnished at the time specified, the Public Printer is authorized to withhold it from the Record for one day. In no case will a speech be printed in the Record of the day of its delivery if the copy is furnished later than 12 o'clock midnight.

5. The copy of speeches containing large tabular statements to be published in the Record shall be in the hands of the Public Printer not later than 6 o'clock p.m. on the day prior to their publication.

6. Proofs of "leave to print" and advance speeches will not be furnished the day the copy is received, but will be submitted the following day, whenever possible to do so without causing delay in the publication of the regular proceedings of Congress. Advance speeches shall be set in the Record style of type, and not more than six sets of proofs may be furnished to Members without charge.

7. If copy or proofs have not been returned in time for publication in the proceedings, the Public Printer will insert the words "Mr. ——— addressed the Senate (House or committee). His remarks will appear hereafter in the Appendix," and proceed with the printing of the Record.

8. The Public Printer shall not publish in the Congressional Record any speech or extension of remarks which has been withheld for a period exceeding 30 calendar days (exclusive of Sundays and holidays) from the date when its printing was authorized: *Provided*, That at the expiration of each session of Congress the time limit herein fixed shall be 10 days, unless otherwise ordered by the committee.

9. When leave has been obtained to print (1) a speech not delivered in either House, (2) a newspaper or magazine article, or (3) any other matter not germane to the proceedings, the same shall be published in the Appendix, but this rule shall not apply to quotations which form part of

¹For discussion of the statute authorizing the Joint Committee on Printing to prescribe rules for governing the publication of the Congressional Record see footnote to section 7024 of Hinds' Precedents.

a speech of a Member, or to an authorized extension of his own remarks. The official reporters of each House shall indicate on copy and prepare headings for all matter to be printed in the Appendix, and shall make suitable reference thereto at the proper place in the proceedings. Any Member may, upon request noted on the manuscript, have an authorized extension of his own remarks printed in the Appendix.

10. Illustrations shall not be inserted in the Record without the approval of the Joint Committee on Printing. Requests for such approval should be submitted to the Joint Committee on Printing through the chairman of the Committee on Printing of the respective House in which the speech desired to be illustrated may be delivered. Illustrations shall not exceed in size a page of the Record and shall be line cuts only. Copy for illustrations must be furnished to the Public Printer not later than 12:30 p.m. of the day preceding publication.

11. The permanent Record is made up for printing and binding 30 days after each daily publication is issued; therefore all corrections must be sent to the Public Printer within that time: *Provided*, That upon the final adjournment of each session of Congress the time limit shall be 10 days unless otherwise ordered by the committee.

The Public Printer shall insert the contents of the daily Appendix in its regular place in the proceedings of each House when printing the bound edition of the Congressional Record.

3501. The statute requires that requests for permission to insert illustrations in the Record be submitted to the Joint Committee on Printing through the chairman of the respective House in which the speech desired to be illustrated may be delivered,¹ and motions for the insertion of illustrations are not in order in the House.

On Monday, February 23, 1931,² in pursuance of an order of the House, Mr. James M. Beck, of Pennsylvania, was recognized to deliver an address on George Washington.

At the conclusion of the address, Mr. John J. Boylan, of New York, asked unanimous consent that a picture of George Washington, the first President of the United States, be printed in the Record in connection with the speech.

The Speaker³ said:

The Chair can not recognize the gentleman for that purpose, as that is contrary to law.

3502. On June 23, 1930,⁴ during the call of the Consent Calendar, Mr. John J. Boylan, of New York, asked unanimous consent to extend his remarks in the Record by printing a cartoon appearing in a daily newspaper.

The Speaker pro tempore,⁵ declined to submit the request to the House and said:

The Joint Committee on Printing has charge of that matter under the statute. The Chair can not entertain a request of that kind.

¹ Section 181 of Title 44 of the United States Code.

² Third session Seventy-first Congress, Record, p. 5742.

³ Nicholas Longworth, of Ohio, Speaker.

⁴ Second session Seventy-first Congress, Record, p. 11541.

⁵ C. William Ramseyer, of Iowa, Speaker pro tempore.